

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alexander Schiavo	Team: Team # 4	CCRB Case #: 201308582	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/13/2013 7:40 PM	Location of Incident: § 87(2)(b)	Precinct: 79	18 Mo. SOL 3/13/2015	EO SOL 3/13/2015	
Date/Time CV Reported Mon, 09/16/2013 8:45 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/16/2013 8:45 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Shibu Madhu	13609	944754	079 PCT
2. SGT David Leonardi	04982	930557	079 PCT
3. LT Michael Doyle	00000	917072	079 PCT
4. POM Michael Iovine	11215	945212	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Eduardo Cornejo	13722	936390	079 PCT
2. POM Frank Ingenito	27980	950618	079 PCT
3. POM Terrence Howard	10504	950599	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Michael Doyle	Abuse: Lt. Michael Doyle entered § 87(2)(b) in Brooklyn.	
B.POM Shibu Madhu	Abuse: PO Shibu Madhu entered § 87(2)(b) in Brooklyn.	
C.POM Michael Iovine	Discourtesy: PO Michael Iovine spoke discourteously to § 87(2)(b)	
D.LT Michael Doyle	Force: Lt. Michael Doyle used physical force against § 87(2)(b) and § 87(2)(b)	
E.POM Shibu Madhu	Force: PO Shibu Madhu used physical force against § 87(2)(b) and § 87(2)(b)	
F.SGT David Leonardi	Force: Sgt. David Leonardi used physical force against § 87(2)(b)	
G.SGT David Leonardi	Force: Sgt. David Leonardi used a Taser against § 87(2)(b) and § 87(2)(b)	
H.SGT David Leonardi	Discourtesy: Sgt. David Leonardi spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b) § 87(2)(g)		

Case Summary

On September 16, 2013, § 87(2)(b) filed his complaint with the CCRB by phone (encl. 35a-c). On September 13, 2013, § 87(2)(b) was at a child's birthday party at § 87(2)(b) in Brooklyn. Lt. Michael Doyle and PO Shibu Madhu of the 79th Precinct arrived at the location and arrested § 87(2)(b) and § 87(2)(b). The following allegations resulted:

- **Allegation A – Abuse of Authority:** Lt. Michael Doyle entered § 87(2)(b) in Brooklyn.
- **Allegation B – Abuse of Authority:** PO Shibu Madhu entered § 87(2)(b) in Brooklyn.
§ 87(2)(g)
- **Allegation C – Discourtesy:** PO Michael Iovine spoke discourteously to § 87(2)(b).
§ 87(2)(g)
- **Allegation D – Force:** Lt. Michael Doyle used physical force against § 87(2)(b) and § 87(2)(b).
- **Allegation E – Force:** PO Shibu Madhu used physical force against § 87(2)(b) and § 87(2)(b).
- **Allegation F – Force:** Sgt. David Leonardi used physical force against § 87(2)(b).
§ 87(2)(g)
- **Allegation G – Force:** Sgt. David Leonardi used a Taser against § 87(2)(b) and § 87(2)(b).
§ 87(2)(g)
- **Allegation H – Discourtesy:** Sgt. David Leonardi spoke discourteously to § 87(2)(b).
§ 87(2)(g)
- § 87(4-b) § 87(2)(g)

This complaint was ineligible for mediation. When § 87(2)(b) filed his complaint, he alleged that two individuals who were involved in the incident sustained a broken arm. On September 17, 2013, an IAB spin-off was generated in relation to this allegation.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) is a § 87(2)(b)-old black male who is 5'6" tall, weighs 240 pounds, and has black hair and brown eyes.

CCRB Testimony

On September 16, 2013, § 87(2)(b) provided an initial statement when he filed his complaint (encl. 35a-c). He was interviewed at the CCRB on October 3, 2013 (encl. 35a-39a).

§ 87(2)(g)

On September 13, 2013, at 7:40 p.m., § 87(2)(b) was at his § 87(2)(b)-old niece's birthday party at § 87(2)(b) in Brooklyn. His niece's mother is § 87(2)(b) who lives in Apartment § 87(2)(b). Also present were § 87(2)(b), § 87(2)(b)'s girlfriend § 87(2)(b), "§ 87(2)(b)", "§ 87(2)(b)", "§ 87(2)(b)", "§ 87(2)(b)", "§ 87(2)(b)", and "§ 87(2)(b)". There were also about 10 children present. § 87(2)(b) had been at the location for about five hours. The front door to the building was open. While he was at the party, § 87(2)(b) consumed one cup (unknown how many ounces) of Bacardi rum and Pepsi. All of the people were hanging out, and there were no weapons or drugs.

Approximately 20 officers, some uniformed and some wearing plainclothes, arrived at the location. At first, § 87(2)(b) stated that everyone was inside of Apartment § 87(2)(b) when the officers arrived. Later, he specified that he was outside of the building on the sidewalk when he first saw the officers. Later still, § 87(2)(b) indicated that he was in the first floor hallway near the mailboxes when officers arrived. Some of the officers kicked the door to Apartment § 87(2)(b) but none of them said anything or entered the apartment. When § 87(2)(b) filed the complaint, he stated that the officers entered an apartment through an open door.

The people in the hallway protested that the officers did not have a warrant. A 30-year-old white male officer who was 5'11" tall, had a heavy build, blond hair, and was dressed in plainclothes, who was identified via the investigation as PO Michael Iovine of the 79th Precinct, replied that the officers did not need a warrant to enter the building. PO Iovine remarked that the people in the hallway were "motherfuckers."

At first, § 87(2)(b) indicated that the next thing that happened after PO Iovine made that remark was as follows: a white male officer who was 5'10" tall, had a heavy build, and wore a white uniform shirt, who was identified via the investigation as Lt. Michael Doyle of the 79th Precinct, placed one handcuff on the right hand of a male, known to the CCRB as § 87(2)(b) and tried to take him to the ground. § 87(2)(b) stated that he would go to the ground on his own. After § 87(2)(b) placed one knee on the ground, Lt. Doyle pushed him onto the ground.

At first, § 87(2)(b) indicated that he was standing ten feet away as this happened. Later, he testified that he was two feet away, and that Lt. Doyle pushed § 87(2)(b) into § 87(2)(b)'s leg. § 87(2)(b) was cursing the officers out, asking how they were going to "run up in the crib." Lt. Doyle punched § 87(2)(b) four times in the head. § 87(2)(b) did not fight back. A white male officer who was 5'9" tall and wore plainclothes, identified via the investigation as Sgt. David Leonardi of the 79th Precinct, kicked § 87(2)(b) twice in the face.

Later, § 87(2)(b) indicated that the next thing that happened after PO Iovine remarked that the civilians were "motherfuckers" was as follows: § 87(2)(b) was standing in front of the door to Apartment § 87(2)(b) while officers tried to take § 87(2)(b) to the floor. § 87(2)(b) walked towards § 87(2)(b) but did not try to interfere in the apprehension. No officer warned him not to come closer. At that point, § 87(2)(b) heard the sound of a gunshot and noticed that there were Taser prongs in his chest. Sgt. Leonardi then shot § 87(2)(b) with another Taser, at which point § 87(2)(b) felt the pain of shots. § 87(2)(b) went to the floor on his back.

Sgt. Leonardi told § 87(2)(b) to turn over. § 87(2)(b) replied that he was unable to do so. Sgt. Leonardi responded, "Turn the fuck over or I'm going to press it again." He then turned § 87(2)(b) around, handcuffed him, and picked him up. § 87(2)(b) stood in the hallway for 10 minutes before § 87(2)(b) was brought to the ground and handcuffed. § 87(2)(b) and another individual, known to the CCRB as § 87(2)(b) were arrested. They were transported to the 79th Precinct stationhouse.

Two hours later, an ambulance arrived and transported § 87(2)(b) and § 87(2)(b) to a hospital. In his initial statement, § 87(2)(b) stated that it was § 87(2)(b) and during his official statement, he indicated that it was § 87(2)(b). At the hospital, medical personnel removed the Taser prongs from § 87(2)(b) chest. When § 87(2)(b) filed his complaint, he stated that two other individuals, whom he did not identify, suffered a broken arm and a broken leg, respectively. In his official statement, § 87(2)(b) indicated that § 87(2)(b) suffered a twisted ankle.

50-h Hearing

§ 87(2)(a) Gen.Mun. §50-H(3)

[REDACTED]

Witness: § 87(2)(b)

- § 87(2)(b) *DOB* § 87(2)(b), who lives on the § 87(2)(b) floor of § 87(2)(b) is a black female.

CCRB Testimony

On December 17, 2013, § 87(2)(b) provided a phone statement (encl. 40). § 87(2)(b) was in front of § 87(2)(b) with several female friends. There was a children's birthday party taking place on board a party bus that was parked on the street. No one was drinking alcohol. Two uniformed officers, known to the CCRB as PO Shibu Madhu and Lt. Doyle, arrived and exited a marked police vehicle. As the officers exited their vehicle, a male who lives on the fourth floor, known to the CCRB as § 87(2)(b) ran into the building. The officers followed § 87(2)(b) into the building, and § 87(2)(b) ran into Apartment § 87(2)(b) whose door was open. § 87(2)(b) immediately followed the officers into the building. About five officers ran into § 87(2)(b) and tried to kick down a bedroom door where § 87(2)(b) had fled.

Eventually, § 87(2)(b) opened the bedroom door, and the officers started to "beat" him with their hands and feet. § 87(2)(b) could not provide any details about the use of force. She

yelled for the officers to stop. § 87(2)(b) was unable to see some of the interaction because she went into her apartment to retrieve her cell phone and a pen and paper. When she tried to get back into the hallway, officers refused to allow her to exit the apartment. Another male, known to the CCRB as § 87(2)(b) came into the building and asked what was happening. Lt. Doyle grabbed him and threw him onto the ground. When § 87(2)(b) looked into the hallway, she noticed that § 87(2)(b) was on the floor and had been hit with a Taser. There were several officers kicking § 87(2)(b) in the chest.

§ 87(2)(b) could not provide any further details about the incident.

Attempts to Contact Civilians

On September 26, 2013, and January 24, 2014, the CCRB sent please call letters to § 87(2)(b). The letters were not returned by the US Postal Service. On October 28, 2013, a Lexis Nexis search yielded three possible phone numbers for § 87(2)(b). Between October 31, 2013, and January 24, 2014, the CCRB made a total of five calls to these numbers. The investigator was unable to leave a voicemail at any of the numbers until January 24, 2014. On January 24, 2014, a female returned a voicemail message left at one of the numbers for § 87(2)(b) and stated that it was a wrong number. On January 24, 2014, a search of the Department of Correction website revealed that § 87(2)(b) is not incarcerated. To date, § 87(2)(b) has not contacted the CCRB.

On October 28, 2013, and November 7, 2013, a Lexis Nexis search yielded a possible address and three possible phone numbers for § 87(2)(b). Between October 31, 2013, and January 24, 2014, the CCRB made a total of seven calls to these numbers. The investigator was unable to leave a voicemail during any of the calls. On January 24, 2014, the CCRB made contact with a male and a female at two of the numbers, and they both stated that it was a wrong number. On November 7, 2013, and January 24, 2014, the CCRB sent please call letters to § 87(2)(b). The letters were not returned by the US Postal Service. On January 24, 2014, a search of the Department of Correction website revealed that § 87(2)(b) is not incarcerated. To date, § 87(2)(b) has not contacted the CCRB.

The only witnesses for whom § 87(2)(b) could provide contact information were his girlfriend § 87(2)(b) and § 87(2)(b). On December 17, 2013, the CCRB made contact with § 87(2)(b). She stated that she was not present at the incident location. Between December 13, 2013, and January 9, 2014, the CCRB left five voicemail messages for § 87(2)(b) asking her to call the CCRB. To date, § 87(2)(b) has not contacted the CCRB. On November 3, 2014, a LexisNexis search yielded a possible address for § 87(2)(b). On November 3, 2014, a letter was sent to that address and has not been returned by the US Postal Service.

On November 6, 2013, § 87(2)(b) provided a contact phone number for § 87(2)(b). On November 7, 2013, the investigator called that number. A female answered and stated that it was a wrong number. On November 7, 2013, and December 13, 2013, the CCRB sent please call letters to § 87(2)(b). The letters were not returned by the US Postal Service.

On March 14, 2014, the investigator conducted a field visit at § 87(2)(b) with Inv. Eva Vaillancourt. The investigator knocked on multiple doors throughout the building. At Apartment § 87(2)(b), the investigator spoke to § 87(2)(b), who is related to § 87(2)(b) and stated that he was present during the incident. However, § 87(2)(b) refused to provide a statement to the CCRB. No one else to whom the investigator spoke witnessed the incident.

NYPD Statements:

Subject Officer: LT. MICHAEL DOYLE

- *Lt. Doyle is a § 87(2)(b)-old white male who is 5'11" tall, weighs 215 pounds, and has brown hair and green eyes.*
- *Lt. Doyle worked a shooting reduction overtime tour in the 79th Precinct from 4:00 p.m. on September 13, 2013, to 1:45 a.m. on September 14, 2013. He was dressed in uniform and worked with PO Madhu in a black Ford Escape.*

Memo Book

According to Lt. Doyle's memo book (encl. 57-61), at 7:40 p.m., he observed two black males in front of § 87(2)(b) drinking from a bottle of New Amsterdam peach vodka. He engaged in a foot pursuit with a black male wearing a brown shirt, later identified as § 87(2)(b) who made furtive movements. § 87(2)(b) fled down the § 87(2)(b) floor hallway of § 87(2)(b) and went into § 87(2)(b). He fled into the rear bedroom of the apartment. Lt. Doyle apprehended § 87(2)(b) inside of the bedroom. A crowd of approximately six to eight males and females were screaming at Lt. Doyle and PO Madhu inside of the apartment. Lt. Doyle called for assistance. PO Madhu was unable to handcuff § 87(2)(b) due to the crowd.

At 7:45 p.m., while inside of the lobby of § 87(2)(b) with § 87(2)(b) who was not handcuffed, a crowd of approximately 10-12 males and females yelled and pushed the officers. § 87(2)(b) blocked the officers from apprehending § 87(2)(b). He pushed the door of § 87(2)(b) on the officers and physically pushed the officers into the lobby of the building. When attempting to handcuff § 87(2)(b), § 87(2)(b) flailed his arms and body, refusing and resisting arrest. Sgt. Leonard utilized his Taser on § 87(2)(b) who was obstructing governmental administration and resisting arrest inside of the lobby. § 87(2)(b) was the original second defendant who had been drinking in front of the building. Sgt. Leonardi also utilized the touch stun on § 87(2)(b) as he was violently resisting.

At 7:55 p.m. the three arrests were complete. § 87(2)(b) was arrested at § 87(2)(b) for § 87(2)(a) 160.50. PO Madhu informed Lt. Doyle that while § 87(2)(b) was still not handcuffed, he fled towards the roof of § 87(2)(b) and was apprehended on the fourth floor of § 87(2)(b). § 87(2)(b) was arrested for § 87(2)(a) 160.50. § 87(2)(b) was arrested for § 87(2)(a) 160.50.

At 8:05 p.m., Lt. Doyle was conducting administrative duties. At 8:15 p.m., he authorized a strip search of § 87(2)(b) which yielded negative results, and requested EMS for § 87(2)(b)'s Taser injuries.

CCRB Statement

Lt. Doyle was interviewed at the CCRB on January 22, 2014 (encl. 62-64a). On September 13, 2013, at 7:40 p.m., Lt. Doyle was driving his police vehicle westbound on § 87(2)(b) in Brooklyn with PO Madhu in the passenger seat. The front door of the building, which Lt. Doyle testified was § 87(2)(b) but which the investigation determined to be § 87(2)(b) was propped open. Lt. Doyle observed two males, later identified as § 87(2)(b) and § 87(2)(b) drinking from a bottle of peach vodka on the sidewalk 12 to 15 feet away from the police vehicle. He saw the label on the bottle and knew that it was vodka.

Without saying anything, Lt. Doyle stopped the vehicle and the officers exited in order to

issue summonses for an open container. As soon as they did so, § 87(2)(b) fled inside of the building. Lt. Doyle and PO Madhu immediately engaged in a hot pursuit of § 87(2)(b) while § 87(2)(b) remained on the sidewalk. § 87(2)(b) entered the building at street level, ascended a small flight of stairs, and then fled into Apartment § 87(2)(b) which is on the far left. Lt. Doyle and PO Madhu followed him without ever losing visual contact. The apartment door was open. § 87(2)(b) went to the rear left bedroom of the apartment and the bedroom door remained ajar. § 87(2)(b) did not attempt to close the door. A few seconds later, Lt. Doyle reached the bedroom door and opened it completely. Lt. Doyle did not recall whether he kicked the door. Lt. Doyle found § 87(2)(b) hiding behind the bedroom door.

Lt. Doyle grabbed § 87(2)(b) and handed him off to PO Madhu. Lt. Doyle wanted PO Madhu to handcuff § 87(2)(b) but he did not explicitly instruct PO Madhu to do so. Lt. Doyle searched the reachable area behind the bedroom door, but did not find any contraband. Immediately, a crowd of six to eight people approached PO Madhu, who was still holding § 87(2)(b). Lt. Doyle did not know if they were associated with a party either inside or outside of the apartment. The civilians were yelling and cursing at the officers, so Lt. Doyle called for assistance. He instructed PO Madhu to exit the apartment for everyone's safety. As he did so, an individual whom Lt. Doyle identified as § 87(2)(b) pushed Lt. Doyle in the chest to get him out of Apartment § 87(2)(b) and into the hallway.

Lt. Doyle decided to place § 87(2)(b) under arrest for interfering with the arrest. At that point, Sgt. Leonardi had arrived as backup. Lt. Doyle grabbed § 87(2)(b)'s torso. § 87(2)(b) flailed his arms, locked them in front of his body, and flailed his body about. Lt. Doyle successfully placed one handcuff on § 87(2)(b). In order to counter § 87(2)(b)'s resistance, Lt. Doyle pushed § 87(2)(b) but did not recall whether he punched § 87(2)(b). Lt. Doyle did not kick § 87(2)(b). He did not remember whether he used any additional force to overcome § 87(2)(b)'s resistance. Lt. Doyle did not remember calling the people in the hallway "motherfuckers" or hearing any officer do so. Lt. Doyle did not recall using any profanity or hearing any officer do so.

As Lt. Doyle continued to struggle, he saw Sgt. Leonardi shoot § 87(2)(b) in the chest with a Taser. Lt. Doyle did not observe what immediately preceded this. He did not see § 87(2)(b) attempt to interfere in the arrest of § 87(2)(b). § 87(2)(b) fell onto his back. Lt. Doyle did not recall Sgt. Leonardi saying, "Turn the fuck over." At some point, § 87(2)(b) was handcuffed. Sgt. Leonardi removed the cartridges from his Taser and placed the Taser against the left side of § 87(2)(b)'s body in touch stun mode. Lt. Doyle and Sgt. Leonardi then successfully handcuffed § 87(2)(b).

Lt. Doyle did not know whether any other officer entered Apartment § 87(2)(b) before the end of the incident. As § 87(2)(b) and § 87(2)(b) were taken out to the street for transport, § 87(2)(b) was inside of a police vehicle. PO Madhu informed Lt. Doyle that § 87(2)(b) had fled during the struggle, crossed the roof, and went to the adjoining building before being apprehended. Lt. Doyle believed that PO Madhu apprehended § 87(2)(b).

Subject Officer: PO SHIBU MADHU

- *PO Madhu, who has been promoted to sergeant, is a § 87(2)(b)-old Asian male who is 5'10" tall, weighs 210 pounds, and has black hair and brown eyes.*
- *PO Madhu worked a robbery reduction overtime tour in the 79th Precinct from 4:00 p.m. on September 13, 2013, to 4:17 a.m. on September 14, 2013. He was dressed in uniform and worked with Lt. Doyle in a black Ford Escape.*

Memo Book

According to PO Madhu's memo book (encl. 46-51), at 7:40 p.m., he observed two males

drinking from a 375 mL bottle of New Amsterdam peach vodka in front of § 87(2)(b). At 7:55 p.m., three people were under arrest. § 87(2)(b) was arrested for § 87(2)(a) 160.50.

He was apprehended by PO Ingenito on the § 87(2)(b) floor of § 87(2)(b) and had scratches on his neck. § 87(2)(b) was apprehended inside of § 87(2)(b) for § 87(2)(a) 160.50. During his apprehension, Sgt. Leonardi struck him with a Taser in the chest. The Taser prongs penetrated § 87(2)(b)'s skin. § 87(2)(b) was arrested inside of § 87(2)(b) for § 87(2)(a) 160.50. During his apprehension, Sgt. Leonardi struck him with a Taser in touch stun mode, which did not cause any injury.

Online Booking Sheets

§ 87(2)(a) 160.50

CCRB Statement

PO Madhu was interviewed at the CCRB on January 22, 2014 (encl. 55-56). § 87(2)(g)

§ 87(2)(g) When PO Madhu and Lt. Doyle exited their vehicle and § 87(2)(b) fled into § 87(2)(b) they both told him to stop, but he ignored these orders. While in the rear bedroom of § 87(2)(b) § 87(2)(b) attempted to close the door, but was unable to do so because the officers successfully caught up with him. After the officers caught § 87(2)(b) there were about 15 civilians standing in the first floor hallway, blocking the officers from exiting the apartment. PO Madhu did not remember calling people in the hallway “motherfuckers” and did not hear any officer do so. PO Madhu instructed § 87(2)(b) to place his hands behind his back, but § 87(2)(b) refused.

Because there were so many people in a small space, PO Madhu decided that the best course of action was to remove § 87(2)(b) from the building without handcuffing him. PO Madhu held § 87(2)(b)'s hands and brought him back into the lobby, which was smaller than nine feet by nine feet. PO Madhu decided to handcuff § 87(2)(b) in the hallway, so he removed his handcuffs. § 87(2)(b) and § 87(2)(b) entered the hallway and got in between PO Madhu and § 87(2)(b). § 87(2)(b) pushed PO Madhu in the chest. PO Madhu issued numerous instructions to § 87(2)(b) and § 87(2)(b) to back up so he could handcuff § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) ignored these orders.

Sgt. Leonardi, who had arrived as backup, grabbed § 87(2)(b) to assist in handcuffing him. Other than grabbing § 87(2)(b)'s arms and possibly holding him against a wall, the officers did not use any additional force. PO Madhu did not remember punching or kicking § 87(2)(b). PO Madhu did not remember whether § 87(2)(b) ever initiated contact with Sgt. Leonardi. After § 87(2)(b) ignored the commands to step back, Sgt. Leonardi used a Taser

§ 87(2)(b) PO Madhu did not see what immediately preceded the use of the Taser.

As this went on, § 87(2)(b) fled up a flight of stairs, and PO Madhu focused his attention on that. He did not notice the effect that the Taser had on § 87(2)(b). PO Madhu did not remember hearing Sgt. Leonardi say, “Turn the fuck over” or use any profanity. PO Madhu did not use any profanity and did not hear any officer do so. PO Madhu later learned that § 87(2)(b) went to the roof of § 87(2)(b) and then went to an adjoining building, § 87(2)(b) where another officer apprehended him. After all three defendants were under arrest, PO Madhu learned that there had been a party at the location and observed a party bus parked on the block.

Subject Officer: SGT. DAVID LEONARDI

- *Sgt. Leonardi is a § 87(2)(b)-old white male who is 6’3” tall, weighs 255 pounds, and has brown hair and brown eyes.*
- *On September 13, 2013, Sgt. Leonardi worked as the 79th Precinct strategic enforcement team supervisor from 1:48 p.m. to 10:45 p.m. with PO Cornejo and PO Iovine. They were in plainclothes and were assigned to an unmarked black Impala.*

Memo Book

According to Sgt. Leonardi’s memo book (encl. 41-42), at 7:50 p.m., he responded to a call for assistance by Lt. Doyle on § 87(2)(b). On the first floor, there was one male struck with a Taser and another male touch stunned. These two males were arrested by PO Madhu.

CCRB Statement

Sgt. Leonardi was interviewed at the CCRB on January 21, 2014 (encl. 44-45). § 87(2)(g) § 87(2)(g). Sgt. Leonardi did not enter any of the apartments, nor did he recall seeing any officer inside one of the apartments. Sgt. Leonardi’s partners ran up to secure the upper floors of the building. Sgt. Leonardi did not call the people in the hallway “motherfuckers” and did not hear any officer do so. Lt. Doyle and PO Madhu were holding § 87(2)(b)’s hands and were trying to pull them behind his back. § 87(2)(b) refused to bring his arms behind his back or go to the ground. He swung his body from side to side, threw his elbows, and tucked his arms in front of his body. Sgt. Leonardi grabbed § 87(2)(b)’s left arm to assist in the handcuffing.

At that point, § 87(2)(b) grabbed Sgt. Leonardi’s right shoulder and arm from behind. He pulled Sgt. Leonardi off of § 87(2)(b). Sgt. Leonardi told § 87(2)(b) to stay back and not interfere. Sgt. Leonardi returned to § 87(2)(b) and grabbed his arm. § 87(2)(b) again pulled Sgt. Leonardi off of § 87(2)(b). Sgt. Leonardi then deployed his Taser, striking § 87(2)(b) in the chest. § 87(2)(b)’s back hit the wall and then he slid down into a sitting position. Sgt. Leonardi did not say, “Turn the fuck over.” Sgt. Leonardi did not use any profanity towards § 87(2)(b) and did not remember any officer doing so. Sgt. Leonardi waited for another officer to handcuff § 87(2)(b).

As Lt. Doyle and PO Madhu continued to attempt to handcuff § 87(2)(b), § 87(2)(b) rushed towards Sgt. Leonardi from behind. § 87(2)(b) Lt. Doyle, and PO Madhu made contact with Sgt. Leonardi, knocking him into and pinning him against the wall. § 87(2)(b) tucked his arm in front of his body, so Sgt. Leonardi took one second to remove the cartridge from his Taser and touch stunned § 87(2)(b) on the rear of his shoulder. Sgt. Leonardi guided § 87(2)(b) down to the ground, at which point § 87(2)(b) complied and gave up his hands. None of the officers punched or kicked § 87(2)(b) and no additional force was used.

Subject Officer: PO MICHAEL IOVINE

- *PO Iovine is a § 87(2)(b) -old white male who is 5'9" tall, weighs 185 pounds, and has black hair and hazel eyes.*
- *On September 13, 2013, PO Iovine worked as part of the 79th Precinct SET team with Sgt. Leonardi, PO Howard, and PO Cornejo. They were dressed in plainclothes and were assigned to an unmarked vehicle.*

Memo Book

According to PO Iovine's memo book (encl. 64b-c), at 7:50 p.m., there was a call for assistance by the Spike lieutenant at § 87(2)(b) in Brooklyn. At 7:55 p.m., two people were arrested by the Spike unit.

CCRB Statement

PO Iovine was interviewed at the CCRB on March 7, 2014 (encl. 64d-e). When he and his partners arrived in the hallway of § 87(2)(b) there were 15-20 police officers and a large number of civilians in an eight foot by four foot landing, completely filling the floor. The civilians were screaming and yelling, but PO Iovine did not remember what they were saying. Sgt. Leonardi entered an apartment, but PO Iovine did not know which apartment. There was some commotion occurring in an apartment, but PO Iovine did not go into the apartment and remained in the hallway. He recalled seeing PO Madhu and Lt. Doyle at the scene, but did not see any actions that they took. PO Iovine did not recall any other officers who were present.

Several people pushed PO Iovine in the upper torso to try to get past him into the apartment. PO Iovine told everyone to get back and had to push several people away in order to prevent them from going into the apartment. He did this by holding his arms out in front of his body and making a pushing motion. PO Iovine did not call the people in the hallway "motherfuckers" or hear any other officer do so. PO Iovine did not recognize a photograph of § 87(2)(b). He did not see Sgt. Leonardi use a Taser against § 87(2)(b) or hear Sgt. Leonardi say, "Turn the fuck over."

PO Iovine was instructed to detain an unknown black male (whom PO Iovine could not further describe) who was not in handcuffs. He instructed the male to remain where he was, but did not make physical contact with the male. The male did not attempt to flee. PO Iovine never observed a struggle to handcuff a defendant in the hallway, nor did he observe any civilian flee. Later, several people were led out of the apartment in handcuffs and PO Iovine left the scene to resume patrol. PO Iovine did not see any arrests take place in the hallway. He did not witness any officer punch a male in the head or kick a male in the face.

Witness Officer: PO EDOUARDO CORNEJO

- *PO Cornejo is a § 87(2)(b) -old Hispanic male who is 5'7" tall, weighs 148 pounds, and has black hair and brown eyes.*
- *On September 13, 2013, PO Cornejo worked from 2:00 p.m. to 10:35 p.m. with Sgt. Leonardi and PO Iovine. They were dressed in plainclothes and assigned to anticrime in the 79th Precinct in an unmarked vehicle.*

Memo Book

According to PO Cornejo's memo book (encl. 64f-h), at 7:50 p.m., the Spike lieutenant called for assistance at § 87(2)(b). At 7:55 p.m., the Spike unit made an arrest, and at 8:00 p.m., PO Cornejo resumed patrol.

CCRB Statement

PO Cornejo was interviewed at the CCRB on March 18, 2014 (encl. 64i-j). When he arrived in the hallway of § 87(2)(b) he observed Lt. Doyle and PO Madhu. Lt. Doyle was engaged in a physical altercation to arrest a black male who was identified via the investigation as § 87(2)(b). The hallway was very narrow and a confined space. PO Cornejo did not remember whether there were any other officers present or how many civilians were in the hallway. PO Cornejo did not call the people in the hallway “motherfuckers,” and did not hear any officer do so.

A lot of civilians were screaming and yelling as Lt. Doyle tried to arrest § 87(2)(b). PO Cornejo did not remember whether PO Madhu was assisting Lt. Doyle. He did not see Lt. Doyle make any contact with § 87(2)(b) other than grabbing his arms. PO Cornejo grabbed one of § 87(2)(b)'s arms and struggled to handcuff § 87(2)(b). PO Cornejo did not remember whether anyone tried to interfere in the arrest or trying to pull an officer off of § 87(2)(b). PO Cornejo did not punch § 87(2)(b) in the head or kick him in the face, nor did he observe any officer do so.

PO Cornejo did not recognize a color photo of § 87(2)(b) and did not remember seeing him at the scene. After the officers told § 87(2)(b) multiple times that he was under arrest and to place his hands behind his back, Sgt. Leonardi clearly warned that he was going to use his Taser. At some point, he yelled, “Taser, Taser, Taser,” and PO Cornejo backed away to avoid being affected by the Taser. Sgt. Leonardi used his Taser to make direct contact with § 87(2)(b)'s skin. PO Cornejo did not know what else immediately preceded Sgt. Leonardi's use of the Taser.

After Sgt. Leonardi touch stunned § 87(2)(b) Lt. Doyle, PO Cornejo, and § 87(2)(b) all fell to the ground. § 87(2)(b) stopped resisting and the officers were able to handcuff him. PO Cornejo did not hear Sgt. Leonardi say, “Turn the fuck over.” PO Cornejo did not hear any officer use any profanity during the incident.

PO Cornejo never entered an apartment and never saw another officer inside of an apartment. PO Cornejo never learned what had happened prior to his arrival at the scene or whether one of the defendants had escaped and was apprehended elsewhere.

NYPD Documents

Less Lethal Equipment Use Report

According to the less lethal equipment use report (encl. 43), Sgt. Leonardi discharged his Taser towards § 87(2)(b). The device performed well, was a help, and the prongs entered § 87(2)(b)'s body. According to the details, § 87(2)(b) interfered with an arrest and grabbed Sgt. Leonardi from behind in a crowded hallway. Sgt. Leonardi deployed the Taser and struck § 87(2)(b) in the chest. § 87(2)(b) was taken into custody without further incident.

There was no less lethal equipment use report for § 87(2)(b) (encl.131).

Command Log

The three arrests were stamped in the command log at 7:57 p.m. (encl. 81). It was noted that all three defendants were intoxicated. The only injuries other than those associated with the use of a Taser on § 87(2)(b) and § 87(2)(b) were scratches on § 87(2)(b)'s neck.

SPRINT

A request for a relevant SPRINT yielded one result, which was for a job that originated at 7:42 p.m. at § 87(2)(b) Quincy Street. At 10:08 p.m., 79th Precinct anticrime and the 79th Precinct lieutenant reported that reports not pertaining to arrests had been completed at § 87(2)(b) (encl. 67b-g).

Radio Communications

The first three minutes of the recording provided by the NYPD pertain to a call for assistance on Quincy Street between § 87(2)(b). A lieutenant called for assistance, but it was unclear at what location. At 3:46, the 79th Precinct anticrime sergeant called for no further units at § 87(2)(b) but the dispatcher mistakenly transmitted that the address was § 87(2)(b) Quincy Street. At 4:44, an unidentified unit transmitted that there were two under from an unspecified location. The dispatcher then transmitted that no further units were needed at § 87(2)(b) Quincy Street, and the unit corrected her and said that the address was on § 87(2)(b) not Quincy. At 6:03, an unidentified unit stated that an individual that came out of an apartment had run. At 6:29, another unidentified unit again called for no further units at § 87(2)(b). At 14:05, the 79th Precinct crime sergeant transmitted that there were four arrests, no injuries to police officers, and the defendants were going to be transported to the stationhouse (encl. 67h).

Arrests for Incident and Dispositions

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim against the City of New York on § 87(2)(b), claiming physical, emotional, and psychological injuries and monetary damages, and seeking an unspecified sum as redress (encl. 82b-e).

Civilians' Criminal Histories

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilians' CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and the first complaint in which § 87(2)(b) and § 87(2)(b) have been victims (encl. 32-34).

Subject Officers' CCRB Histories

- PO Madhu has been a member of the service for seven years and there are two substantiated CCRB allegations against him (encl. 28):
 - In CCRB #200912984, the Board substantiated allegations of physical force and premises entered and/or searched. The police department declined to prosecute.
- Lt. Doyle has been a member of the service for 18 years and there are no substantiated CCRB allegations against him (encl. 29).
- Sgt. Leonardi has been a member of the service for 12 years and there are four substantiated CCRB allegations against him (encl. 24-27):
 - In CCRB #200410123, the Board substantiated a property damage allegation. Sgt. Leonardi received a command discipline.
 - In CCRB #201107817, the Board substantiated allegations of stop, frisk, and search. Sgt. Leonardi received instructions.
 - In CCRB #201310961, the Board substantiated allegations of frisk and refusal to process civilian complaint. The penalty is still pending.
 - Sgt. Leonardi also has three other allegations regarding his use of a Taser.
- PO Iovine has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. 30).

Conclusion

Identification of Subject Officers

Lt. Doyle, PO Madhu, and Sgt. Leonardi acknowledged their roles in the incident. § 87(2)(b) stated that the officer who used the Taser was not the officer who called the crowd “motherfuckers,” and stated that the officer who made that remark wore plainclothes. The only plainclothes officers who were at the incident location were Sgt. Leonardi, PO Iovine, and PO Cornejo. Of those officers, PO Iovine was the officer who most closely matched the description of the subject officer. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Lt. Michael Doyle entered § 87(2)(b) § 87(2)(b) in Brooklyn.

Allegation B – Abuse of Authority: PO Shibu Madhu entered § 87(2)(b) § 87(2)(b) in Brooklyn.

It is undisputed that Lt. Doyle and PO Madhu entered § 87(2)(b) in Brooklyn. Based on the hot pursuit doctrine outlined in People v. Skinner, a defendant cannot defeat an arrest which has been set in motion in a public place by the expedient of escaping into a private place (encl. 1a). Officers are also constrained by the court’s ruling in People v. McBride that there must be an urgent need to justify a warrantless entry (encl. 1b-h), as well as the ruling in People v. Cruz (encl. 1i-l) that when a suspect retreats into his house, and the suspected crime is only a violation or misdemeanor, the “hot pursuit” doctrine does not apply.

§ 87(2)(g) He provided multiple versions of where he was and what he was doing immediately prior to the officers responding to the location. § 87(2)(b) corroborated the officers’ testimony that § 87(2)(b) fled into § 87(2)(b) immediately after officers arrived at the location. The command log also indicated that § 87(2)(b) and § 87(2)(b) were intoxicated.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Discourtesy: PO Michael Iovine spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that PO Iovine remarked that the people in the hallway of the building were “motherfuckers.” § 87(2)(b) did not mention this allegation in her phone statement. None of the officers who were interviewed stated that they heard an officer make this comment.

§ 87(2)(g)

Allegation D – Force: Lt. Michael Doyle used physical force against § 87(2)(b) and

§ 87(2)(b)

Allegation E – Force: PO Shibu Madhu used physical force against § 87(2)(b) and

§ 87(2)(b)

Allegation G – Force: Sgt. David Leonardi used a Taser against § 87(2)(b) and

§ 87(2)(b)

§ 87(2)(b) alleged that officers punched and kicked § 87(2)(b). § 87(2)(b) alleged that officers “beat” § 87(2)(b) with their hands and feet, but could not elaborate further on the use of force. It is undisputed that Sgt. Leonardi used a Taser against § 87(2)(b). Sgt. Leonardi also acknowledged that he touch stunned § 87(2)(b) with his Taser. Lt. Doyle and PO Cornejo corroborated that they observed this. § 87(2)(b) did not provide any context for the use of force against § 87(2)(b) or Lt. Doyle’s use of a Taser against him. The CCRB was unsuccessful in contacting § 87(2)(b) and § 87(2)(b). Lt. Doyle and PO Madhu stated that § 87(2)(b) fled into the building and went into a rear bedroom of Apartment 1A before they apprehended him. According to the officers, no force was used against § 87(2)(b). Lt. Doyle and PO Madhu acknowledged using minimal physical force to apprehend § 87(2)(b) and denied punching or kicking him.

Later, according to PO Madhu’s and Lt. Doyle’s testimony, § 87(2)(b) physically interfered in their efforts to handcuff § 87(2)(b). At that point, they turned their attention to handcuffing § 87(2)(b). Sgt. Leonardi testified that § 87(2)(b) twice pulled him away from § 87(2)(b) as he attempted to assist Lt. Doyle and PO Madhu. Additionally, § 87(2)(b) ignored commands to step back, leading to the use of a Taser. Lt. Doyle did not witness what led to Sgt. Leonardi using the Taser, but PO Madhu corroborated that § 87(2)(b) ignored instructions to stop interfering in the arrests.

According to Patrol Guide Procedure 203-11 (encl. 15), officers must use the minimum

amount of force necessary to effect an arrest. According to Patrol Guide Series 212 on the use of conducted energy devices (encl. 16-23), a Taser can be used against a person who is exhibiting active physical aggression. Also, touch stun mode should only be used in exceptional circumstances and not as a primary method of use.

§ 87(2)(g)

§ 87(2)(g)

Allegation F – Force: Sgt. David Leonardi used physical force against § 87(2)(b)

As noted in the Attempts to Contact Civilians section, the investigation was unable to contact § 87(2)(b) to obtain a statement from him regarding the incident. § 87(2)(g)

Allegation H – Discourtesy: Sgt. David Leonardi spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that after Sgt. Leonardi Tasered him, he told § 87(2)(b) to “turn the fuck over.” Sgt. Leonardi denied that he said this. Lt. Doyle and PO Madhu testified that they did not hear this comment, and § 87(2)(b) did not mention it. § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date